Thirty-Sixth Judicial Circuit Court of Van Buren County
Friend of the Court
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John D. Ferry, Jr.
State Court Administrator
State Court Administrative Office
P.O. Box 30048
Lansing, MI 48909

Dear Mr. Ferry:

First I would like to introduce myself, I am a Friend of the Court Referee in the 36th Judicial Circuit Court. On a weekly basis, I am scheduled to hear a minimum of 40 show cause hearings for non-payment of support and on a weekly basis I am scheduled to hear a maximum of 40 hearings regarding custody, child support and/or parenting time. Having said that, I would like to take this time to comment on the proposed changes to the child support formula. In addressing my concerns, just as every county has a population of low-income individuals, I am employed in Van Buren County, which is a rural county with limited industry. In general, my concerns are geared towards how the proposed changes will effect those individuals who are struggling with their current obligations and an already unmanageable child support arrears balance.

Citation: An ability to cite the manual is a welcomed change.

Alimony: I believe it is appropriate to calculate child support prior to alimony, as the needs of the children should be the primary consideration.

Shared Economic Responsibility: Every family law practitioner is aware of the "cliff effect" and most Friend of the Court consumers are aware of the "cliff effect" and act or negotiate accordingly. I believe it is appropriate to soften the "cliff effect", however, I believe lowering the threshold to 52 overnights is too extreme. Rather, a change somewhere in the range of 100 overnights would be more appropriate.

What is most problematic is the shared economic adjustment. This appears to be a record-keeping nightmare and I can only imagine that parties will be appearing at hearings with conflicting calendars. I can further imagine testimony as to the days in conflict and the parties recollecting the events of that day in small detail, resulting in the party with the best recollection seeming to be true. Another concern would be whether

this retroactive adjustment will be based on a calendar year, resulting in volumes of hearings after the first of the year. The current practice of providing child support abatements when a parent exercises 6 overnights is generally handled administratively, without the necessity of a hearing. Furthermore, the current practice requires notification of the extended overnight parenting time within 14 days of the occurrence, as opposed to the current proposal whereby the prior 365 days will be reviewed. I welcome the elimination of the cliff effect, however, a retroactive adjustment as specified in the manual, would be extremely tedious and more problematic than the current process. Accordingly, I do not support the adjustment process as proposed in the manual.

Medical Support: I do not support this change either. Currently, both parties are responsible for a percentage of their child's unreimbursed medical expenses as they come due. If a parent fails to comply with payment after various opportunities, a hearing may take place, however, this is also a rarity, as there is generally compliance prior to. I find that the current process is working with very little complaint and to change this process and provide a mandatory charge based on a statistical presumption is a concern. This is especially of concern for the low-income individuals who are already struggling with their child support payment or for the payer who already has an unmanageable arrears balance and has no feasible means to comply.

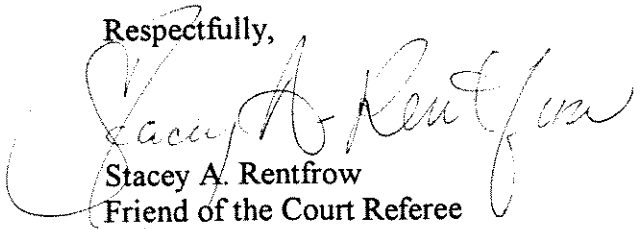
For the same reason the shared economic adjustment will be a record-keeping nightmare, likewise, the hearing where the party is providing documents and receipts totaling $280.00, will also be lengthy and frustrating to all involved. Again, the result will be that the organized individual will be able to provide the necessary proof, and the unorganized individual, such as the frequent mover, will be short-changed. Other concerns involve the healthy child . . . how does the non-custodial parent prove the annual allocation was not met? What about the child on Medicaid with very low out-of-pocket expenses . . . again how does the payer prove that the annual allocation was not met? What about the child with multiple insurance coverage (i.e. the cases where the parents and stepparents all have coverage) . . . will the payer have to prove a negative? I find that this adjustment process will cause problems, where none existed prior. Accordingly, I do not support this change.

Inclusion of Social Security Dependent Benefits in Payor's Income : I **strongly** disagree with the proposal to include dependent benefits as income to the non-custodial parent. Dependent benefits sent from Social Security Administration and received in the custodial parent's household cannot be compared to monies withheld from a payer's wages and sent to a custodial parent's household. The working individual is able to leave jobs to avoid withholdings, may be able to earn overtime to increase his take-home pay, can expect the full amount of their pay when the child emancipates, etc. The individual on Social Security Disability on the other hand, has been labeled as unable to work according to the standards of the Administration. A non-custodial parent receiving disability income does not receive those dependent benefits in their home, has no control over that income, would not have a larger award but for the fact he/she has a dependent, and will not have a larger award when the child emancipates. To include dependency benefits to the non-custodial parent will place this payer at risk of poverty as this

individual is already receiving a fixed income due to his/her inability to work, and therefore has a limited ability to earn additional monies. Accordingly, I do not support this change. Furthermore, I would like to point out the injustice of proposing to include dependent benefits to a payer and proposing not to include alimony as income to either the payee or the payer. It goes without saying that the more dire household would be the household with a disabled individual, and the proposal to add monies not received in this household will produce inequitable results.

I thank you for this opportunity to comment on the Michigan Child Support Formula Manual.

Respectfully,



Stacey A. Rentfrow
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36th Judicial Circuit Court